

JUN 23 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET NO. 93-54
GAF BROADCASTING COMPANY, INC.)	File No. BRH-910201WL
For Renewal of License of Station)	
WNCN(FM) New York, New York)	
CLASS ENTERTAINMENT AND)	File No. BPH-910430ME
COMMUNICATIONS, L.P.)	
For Construction Permit for a)	
New FM Station on 104.3 MHz at)	
New York, New York)	

TO: The Commission

JOINT MOTION TO STAY PROCEEDING
PENDING ACTION ON SETTLEMENT AGREEMENT

GAF Broadcasting Company, Inc. (GAF) and Class Entertainment and Communications L.P., (Class), by their respective counsel, hereby request the Commission to stay the hearing proceedings in this case for 60 days, until August 23, 1993, in light of the Joint Motion for Approval of Agreement for Dismissal of Application being filed simultaneously herewith. In support whereof, the following is shown:

The only remaining applicants in this case, GAF and Class, have reached a settlement agreement which would resolve this comparative renewal proceeding with the dismissal of the Class application and the grant of the GAF renewal. Since approval of the Agreement prior to the Initial Decision requires a waiver of Commission Rule 73.3523, the substantive request for approval of the settlement has been filed with the

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full Commission. Consequently, this stay motion is also being filed directly with the Commission so that all related motions are in the same forum.

The parties have entered the settlement agreement in order to resolve the litigation, which resolution would conserve the time and resources of the Commission as well as the parties. There are no disqualifying issues in the case, and the sole issue is the standard comparative issue. In a comparative renewal case, such an issue, particularly the facts relating to renewal expectancy, involve extensive document production and lengthy depositions. The parties will be required to solicit public witness testimony. Such testimony is due July 14, 1993. Moreover, There are document requests outstanding with a production date of July 19, 1993. In addition, depositions are scheduled to commence August 9, 1993, with the hearing set for October 4, 1993. Thus, unless a stay is granted the applicants will be required to expend considerable time and resources in preparing for a case which they desire to settle and which may never occur.

A stay of all discovery and other dates for 60 days while the Commission considers the proffered settlement is thus reasonable and in the public interest. It is thus respectfully requested that a procedural stay be granted and the settlement agreement ruled upon expeditiously.

Respectfully submitted,

GAF Broadcasting Company

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**CLASS ENTERTAINMENT AND
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Its Attorney

Date: June 23, 1993

CERTIFICATE OF SERVICE

I, Susie Cruz, do hereby certify that on the 25th day of June, 1993, a copy of the foregoing "Joint Motion to Stay Proceeding Pending Action on Settlement Agreement" was hand delivered to the following:

Norman Goldstein, Esq.
Gary Schonman, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, DC 20554


Susie Cruz